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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,425	09/16/2005	Gerhard Lammel	10191/4133	4531
26646	7590	04/05/2007	EXAMINER	
KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			GOUDREAU, GEORGE A	
			ART UNIT	PAPER NUMBER
			1763	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE		DELIVERY MODE	
3 MONTHS	04/05/2007		PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary		Application No.	Applicant(s)						
		10/529,425 Examiner George A. Goudreau	LAMMEL ET AL. Art Unit 1763						
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --									
Period for Reply									
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.									
<p>- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</p> <p>- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</p> <p>- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</p>									
Status									
<p>1)<input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>(3-25-05' to 3-6-06')</u>.</p> <p>2a)<input type="checkbox"/> This action is FINAL. 2b)<input checked="" type="checkbox"/> This action is non-final.</p> <p>3)<input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11, 453 O.G. 213.</p>									
Disposition of Claims									
<p>4)<input checked="" type="checkbox"/> Claim(s) <u>1-9</u> is/are pending in the application.</p> <p>4a) Of the above claim(s) _____ is/are withdrawn from consideration.</p> <p>5)<input type="checkbox"/> Claim(s) _____ is/are allowed.</p> <p>6)<input checked="" type="checkbox"/> Claim(s) <u>1-9</u> is/are rejected.</p> <p>7)<input type="checkbox"/> Claim(s) _____ is/are objected to.</p> <p>8)<input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.</p>									
Application Papers									
<p>9)<input type="checkbox"/> The specification is objected to by the Examiner.</p> <p>10)<input type="checkbox"/> The drawing(s) filed on _____ is/are: a)<input type="checkbox"/> accepted or b)<input type="checkbox"/> objected to by the Examiner.</p> <p style="margin-left: 20px;">Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).</p> <p style="margin-left: 20px;">Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).</p> <p>11)<input type="checkbox"/> The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.</p>									
Priority under 35 U.S.C. § 119									
<p>12)<input checked="" type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</p> <p>a)<input type="checkbox"/> All b)<input type="checkbox"/> Some * c)<input checked="" type="checkbox"/> None of:</p> <p style="margin-left: 20px;">1.<input checked="" type="checkbox"/> Certified copies of the priority documents have been received.</p> <p style="margin-left: 20px;">2.<input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.</p> <p style="margin-left: 20px;">3.<input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</p>									
<p>* See the attached detailed Office action for a list of the certified copies not received.</p> <p><i>George A. Goudreau</i> GEORGE GOUDREAU PRIMARY EXAMINER 12-06</p>									
Attachment(s) <table> <tr> <td>1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</td> <td>4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date: _____</td> </tr> <tr> <td>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</td> <td>5)<input type="checkbox"/> Notice of Informal Patent Application</td> </tr> <tr> <td>3)<input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date: _____</td> <td>6)<input type="checkbox"/> Other: _____</td> </tr> </table>				1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date: _____	2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application	3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date: _____	6) <input type="checkbox"/> Other: _____
1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date: _____								
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3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date: _____	6) <input type="checkbox"/> Other: _____								

1. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

-The body of claim 1 is not commensurate in scope with the preamble of claim 1.

(i.e.-The preamble of claim 1 recites a method for making a micromechanical component while the body of claim 1 fails to recite a method for making a micromechanical component. It is unclear what patentable weight this feature has in the claim since it is not positively recited in the body of the claim.);

In the claims, the usage of bracketed numbers is vague, and indefinite. (i.e.-The examiner is unsure what patentable weight to give these numbers in the interpretation of the claim scope.);

-In the claims, it is unclear what constitutes being "a patterned porous region" or "a patterned region". (i.e.-These claims are vague, and indefinite in this regard.);

-Claims 4-9 are improper multiply dependent claims. (i.e.-These claims are multiply dependent, and depend upon another multiply dependent claim (i.e.-claim 3). Only one level of multiple claim dependency is permissible.);

-In the claims, the usage of the term "functional" is vague, and indefinite. (i.e.-What constitutes being functional?);

-In claim 4, it is unclear how additional layers can cooperate with the functional layer. (This claim is vague, and indefinite in this regard.);

-In the claims, it is unclear what constitutes being "additional layers". (i.e.-These claims are vague, and indefinite in this regard.);

and

-In the claims, the usage of the term "cover layer" is vague, and indefinite.

(i.e.-What constitutes being a cover layer?)

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, and 8-9 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lee et. al. (2,000').

(See copy of search report.)

4. Claims 1-5, and 9 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Splinter et. al. (2,001').

(See copy of search report.)

5. Claims 1, 4, 6, and 8-9 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lammel (WO-2001/019,723).

(See copy of search report.)

6. Claims 1-5, and 9 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Montanini et. al. (6,197,655).

(See copy of search report.)

7. Claims 1-5, and 9 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Ishida et. al. (5,594,171).

(See copy of search report.)

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8. Claims 1-2, 5-7, and 9 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Benzel et. al. (2004/0065931).

(See copy of search report.)

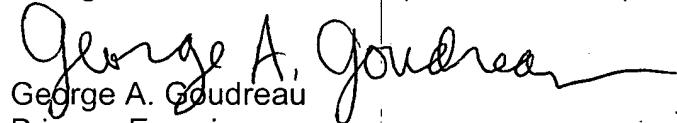
9. Claims 1-5, and 8-9 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Benz et. al. (5,542,558).

(See copy of search report.)

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Any inquiry concerning this communication should be directed to examiner

George A. Goudreau at telephone number (571)-272-1434.


George A. Goudreau
Primary Examiner
Art Unit 1763